

**State of Utah****Department of
Natural Resources**

MICHAEL R. STYLER
Executive Director

**Division of
Oil, Gas & Mining**

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

July 21, 2006

Certified Return Receipt
7004 2510 0004 1824 7760

Donald Foot
Palladon Iron Corporation
554 South 300 East
Salt Lake City, Utah 84111-3509

Subject: Reassessment of Penalty, Notice of Violation MN-2006-02-02, Palladon Iron Corporation (PIC), Iron Mountain, M/021/008, Iron County, Utah

Dear Mr. Foot:

Enclosed please find the reassessment for Notice of Violation MN-06-02-02-01. The abatement requirements have now been satisfied. Now that the Violation has been terminated the assessment can be completed. Even though the violation has been terminated, you are still required to pay the penalty.

The "proposed" civil penalty assessment for the above referenced notice of violation was sent to you on July 7, 2006. At that time the abatement had not been completed and some of the facts surrounding the violation were not available. In accordance with rule R647-7-105, the penalty is to be reassessed when it is necessary to consider facts, which were not reasonably available on the date of the issuance of the proposed assessment. Following is the reassessment of the penalty for the violation:

- MN-06-02-02 Violation 1 of 1 \$418

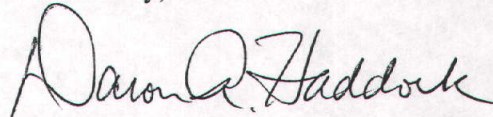
The enclosed worksheet specifically outlines how the violation was assessed. You should note that good faith points have now been awarded. If you are satisfied with this assessment, you should make payment to the Division of Oil, Gas & Mining.

Otherwise, under R647-7-106, there are two informal appeal options available to you:

- 1 If you wish to informally appeal the fact of the Violation, you should file a written request for an Informal Conference within thirty (30) days of receipt of this letter. This conference will be conducted by the Division Director, Associate Director or assigned conference officer. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.
2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within thirty (30) days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph one, the assessment conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of the cessation order will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the reassessment. Please remit payment to the Division, mail c/o Vickie Southwick.

Sincerely,



Daron R. Haddock
Assessment Officer

DRH:vs

Enclosure: Worksheet

cc: Vicki Bailey, Accounting
Vickie Southwick, Exec. Sec.

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WORKSHEET FOR ASSESSMENT OF PENALTIES
DIVISION OF OIL, GAS & MINING
Minerals Regulatory Program

COMPANY / MINE Palladon Iron Corporation/ Iron Mountain Mine PERMIT M/021/008

NOV / CO # MN-06-02-02-01

VIOLATION 1 of 1

REASSESSMENT DATE July 21, 2006

ASSESSMENT OFFICER Daron R. Haddock

I. HISTORY (Max. 25 pts.) (R647-7-103.2.11)

- A. Are there previous violations, which are not pending or vacated, which fall within three (3) years of today's date?

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS (1pt for NOV 5pts for CO)
<u>none</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

TOTAL HISTORY POINTS

II. SERIOUSNESS (Max 45pts) (R647-7-103.2.12)

NOTE: For assignment of points in Parts II and III, the following apply:

1. Based on facts supplied by the inspector, the Assessment Officer will determine within each category where the violation falls.
2. Beginning at the mid-point of the category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an EVENT (A) or Administrative (B) violation? Event
(assign points according to A or B)

A. EVENT VIOLATION (Max 45 pts.)

1. What is the event which the violated standard was designed to prevent?

Mining without appropriate approvals/ Environmental harm

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

<u>PROBABILITY</u>	<u>RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS:

*** *An Operator is required to obtain a permit from the Division of Oil Gas and Mining prior to conducting mining operations. While the Operator had a permit, his plans and approval did not extend to the area that was being mined. He was mining and processing rock from an area that had not been identified for mining nor was it covered by the current bond. The event of conducting activities without appropriate approvals had actually occurred.*

3. What is the extent of actual or potential damage? RANGE 0-25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 4

PROVIDE AN EXPLANATION OF POINTS:

*** *Since the operations were being done in a previously disturbed area (pre-law), there was minimal damage to the environment and the probability of injury to the public was very low. Disturbance was estimated to impact approximately 1 acre. There was no danger that this activity would have extended off the permit area. The inspector stated that only minimal damage had occurred as a result of the violation. The damage is considered minimal and points are assigned in the lower part of the range.*

B. ADMINISTRATIVE VIOLATIONS (Max 25pts)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement?
RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS N/A

PROVIDE AN EXPLANATION OF POINTS:

TOTAL SERIOUSNESS POINTS (A or B) 24

III. DEGREE OF FAULT (Max 30 pts.) (R647-7-103.2.13)

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE; or, was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, the failure to abate any violation due to the same or was economic gain realized by the permittee? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 7

PROVIDE AN EXPLANATION OF POINTS:

*** *The Operator was unfamiliar with the extent of the areas bonded to be disturbed within the permit area. The site had recently been acquired from another entity and the current operator is still developing mining plans. A prudent operator would understand the need to have approval prior to mining in any area and would be careful to keep disturbances to those areas that are approved for disturbance and bonded. Because the operator was not careful he allowed disturbance on the permit that was not authorized. This indicates indifference to the rules. The Operator is considered negligent because he mined an area without having it approved for disturbance. Points are assigned in the middle part of the negligence range.*

IV. GOOD FAITH (Max 20 pts.) (R467-7-103.2.14)

(Either A or B) (Does not apply to violations requiring no abatement measures)

- A. Did the operator have onsite, the resources necessary to achieve compliance of the violated standard within the permit area?
IF SO--EASY ABATEMENT

Easy Abatement Situation

X	Immediate Compliance	-11 to -20*
	(Immediately following the issuance of the NOV)	
X	Rapid Compliance	-1 to -10
	(Permittee used diligence to abate the violation)	
X	Normal Compliance	0
	(Operator complied within the abatement period required)	

(Operator complied with condition and/or terms of approved Mining and Reclamation Plan)

*Assign in upper of lower half of range depending on abatement occurring the 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance, or does the situation require the submission of plans prior to physical activity to achieve compliance?

IF SO--DIFFICULT ABATEMENT

Difficult Abatement Situation

- | | | |
|---|---|-------------|
| X | Rapid Compliance | -11 to -20* |
| | (Permittee used diligence to abate the violation) | |
| X | Normal Compliance | -1 to -10* |
| | (Operator complied within the abatement period required) | |
| X | Extended Compliance | 0 |
| | (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard of the plan submitted for abatement was incomplete) | |
| | (Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan) | |

EASY OR DIFFICULT ABATEMENT? difficult

ASSIGN GOOD FAITH POINTS -12

PROVIDE AN EXPLANATION OF POINTS:

*** *The Operator complied with the abatement requirements before the end of the abatement period. The abatement date was set for July 10, 2006 and the information required to abate the violation was actually submitted on July 7, 2006. Because of the requirement to submit revised plans for a cement rock operation and a completed transfer application, the abatement was considered to be difficult. The Operator was very proactive in getting the abatement requirements satisfied. Because the Operator submitted the required information and provided a transfer application before the required abatement period, I am awarding good faith points in the rapid compliance category in the amount of 12 points.*

V. ASSESSMENT SUMMARY (R647-7-103.3)

NOTICE OF VIOLATION #	<u>MN-06-02-02-01</u>
I. TOTAL HISTORY POINTS	<u> </u>
II. TOTAL SERIOUSNESS POINTS	<u>24</u>
III. TOTAL NEGLIGENCE POINTS	<u>7</u>
IV. TOTAL GOOD FAITH POINTS	<u>-12</u>
TOTAL ASSESSED POINTS	<u>19</u>
TOTAL ASSESSED FINE	<u>\$ 418</u>